

Appl. No. 09/879,704
Amdt. Dated August 19, 2005
Response to Office Action of May 20, 2005

REMARKS:

Interview Summary. Applicants thank the examiner for the time and care taken in providing a telephone interview. The interview was conducted between the examiner and Jane Berman, Reg. No. 43,494, one of the attorneys for Applicants, on August 18, 2005. The interview consisted of discussion of issues of patentability of pending claims 28-29 and 37-38 over the references cited and of the finality of the second Office action. The examiner indicated in the interview that the examiner will withdraw the finality of the Office action and that the applicant should proceed to file the instant Response, and that the examiner will not issue an advisory action in reply thereto.

Response to Rejections. The rejection of pending Claims 28-38 under Section 103(a) is respectfully traversed for at least the following reasons. It is noted that Claims 28-38 remain pending as presented in the Response to Office Action filed on November 15, 2004. Claims 28 and 29 are the only independent claims at issue.

In pertinent part, Claim 28 specifies that the invention comprises:

“... [a] web server ... adapted to receive information on personal body pictures of *a number of persons* and personal goods to wear or carry, *selected by a number of the persons respectively*, ...,

statistical analyzing means ... adapted to divide the plurality of each of personal body characteristics of the personal body picture of each of *a number of the persons* into a plurality of components;

classify each of the divided components into plurality types with respect to *a*

number of the persons; and

statistically analyze a relationship between a plurality of the types and the selected personal goods to wear or carry with respect to each of the divided components; and thereby collect data for associating the personal body characteristics of a number of the persons with the personal goods to wear or carry selected by each person, respectively, and

the memory means is adapted to *preserve the data selected* by each person and personal body characteristics of the plurality of persons."

(Emphasis added). Claim 29 contains corresponding features, but is directed to selection of eyeglass frames, rather than to personal goods in general.

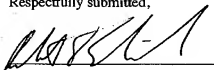
One object of the invention as claimed is to allow improved and more efficient suggestion of appropriate personal goods (e.g., clothing) or eyeglass frames for a particular customer, based on preference data accumulated from the recorded selections of prior customers sharing physical characteristics of the particular customer in question. (See specification at, *inter alia*, p. 30, lines 13-27 and p. 31, lines 6-9; and Fig. 6).

It is submitted that these features highlighted above clearly are absent from the cited references Saigo and Foley, being neither suggested nor taught therein. Saigo and Foley, including the portions thereof specifically cited by the examiner, relate to data concerning one individual customer, and do not disclose any features related to collection of preference data *from a number of persons*, or to statistical analysis of the relationship between the personal characteristics of a number of persons and their recorded preferences for particular personal goods or eyeglasses.

It is therefore respectfully submitted that there has not been established a prima facie case of obviousness, based on the criteria of some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine or modify the references; a reasonable expectation of success; and the prior art teaching or suggesting all of the claimed limitations.

It is submitted that the invention is presented in clear and concise patentable terms and the application is in condition for allowance. Prompt, favorable treatment of the application is respectfully requested. The Commissioner is hereby authorized to charge any fees associated with this communication, including any necessary time extension fees, which extension is hereby requested, to our Deposit Account No. 50-0305. The Examiner is encouraged to call Robert J. Schneider at the direct number (312) 845-3919 with any questions that arise in connection with this application.

Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

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I hereby certify that the attached correspondence, namely: Response to Office Action, was transmitted by facsimile on the date listed above, to the U.S. Patent Office at the facsimile number listed above, under 37 C.F.R. § 1.8.

Signature: Brenda A. Walton

Typed Name of Person Signing this Certificate: Brenda A. Walton

August 19, 2005

Date of Signature